

FILE

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

January 4, 2005

OFFICE OF
MANAGING DIRECTOR

Suzanne E. Rogers, President
Meridian Communications of
Idaho, Inc.
455 Capitol Mall, Suite 210
Sacramento, CA 95814

Re: Meridian Communications of Idaho, Inc.
FY 2004 Regulatory Fee
Fee Control No. 0408188835898630

Dear Ms. Rogers:

This is in response to your request dated August 18, 2004, filed on behalf of Meridian Communications of Idaho, Inc. (Meridian), permittee of commercial television station Channel 20, Idaho Falls, Idaho, for a waiver and refund of the \$5,675.00 fiscal year (FY) 2004 regulatory fee. Our records reflect that you have paid the regulatory fee.

You recite that the construction permit authorizing Channel 20 to serve the community of Idaho Falls, Idaho, was granted by the Commission's Media Bureau on July 22, 2003, and that The Post Company (Post) filed a petition for reconsideration of that decision on August 21, 2003. You allege that with the filing of the petition for reconsideration by Post, "the status of the [s]tation was made uncertain and the construction period on the permit was tolled until a decision by the Commission is made." You maintain that as a result of the filing of the petition for reconsideration, Meridian "is effectively . . . prohibited from building the [s]tation . . . until a decision thereon is reached" and that Meridian was not "in possession of a functional Commission license or permit on October 1, 2003."


We agree with you that the construction permit for Channel 20 is encumbered. In this regard, it appears that the construction of Meridian's proposed station has been prevented by causes not under the control of the permittee, *i.e.*, the pendency of Post's petition for reconsideration, and that the expiration date of the construction permit has been tolled pursuant to the provisions of section 73.3598(b)(ii) of the Commission's rules, 47 C.F.R. §73.3598(b)(ii). Under these circumstances, we find good cause for a waiver of the FY 2004 regulatory fee and, accordingly, we grant your request for a refund of the fee.

Suzanne E. Rogers, President

2.

A check, made payable to the maker of the original check, and drawn in the amount of \$5,675.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a stylized flourish at the end.

Mark A. Reger
Chief Financial Officer

0408188835898630

MERIDIAN COMMUNICATIONS
OF IDAHO, INC.

455 Capitol Mall, Suite 210, Sacramento, California 95814 (916) 448-8800 Fax (916) 448-8455

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FINANCIAL OPERATIONS
CENTER

August 18, 2004

VIA FEDERAL EXPRESS OVERNIGHT

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

ATTN: Andrew S. Fishel, Managing Director
Office of Managing Director

Re: **Regulatory Fee Waiver Request of Meridian Communications of Idaho, Inc.
Permittee of Channel 20, Idaho Falls, Idaho; Facility ID 41238**

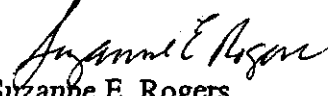
Dear Ms. Dortch:

Enclosed for filing with the Office of Managing Director is one original and four copies of Meridian Communications of Idaho's ("MCID") Petition for Waiver of Regulatory Fee ("Petition"). In accordance with instructions provided by the Commission's *Report and Order* entitled "*In the matter of Assessment and Collection of Regulatory Fees for Fiscal Year 2004*," MD Docket No. 04-73, released June 24, 2004, and as referenced within the text of the Petition, MCID has submitted full payment of the assessed regulatory fee electronically. A true and correct copy of MCID's regulatory fee remittance, FCC Form 159 (with the FRN number redacted for confidentiality purposes), is enclosed herein for your reference.

Also enclosed is a "stamp & receipt" copy of the Petition for return-receipt purposes. For your convenience a self-addressed stamped envelope is provided to return the stamp-receipted copy.

Thank you for your assistance with this matter. If you require any additional information in support of this request or have any questions regarding the enclosed documents, please feel free to contact me at the address and phone number listed above.

Sincerely,


Suzanne E. Rogers
President

Enclosures

AUG 23 2004

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AUG 19 2004
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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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AUG 19 2004 2:54
FINANCIAL OPERATIONS
CENTER

In the Matter of)
Meridian Communications of Idaho)
Permittee of UHF Television Station) FCC File No. BPCT-19950306KF
Channel 20)
Idaho Falls, Idaho)
Facility ID 41238)

To Managing Director, Office of Managing Director

PETITION FOR WAIVER OF REGULATORY FEE

Meridian Communications of Idaho ("MCID"), permittee of commercial television station Channel 20, Idaho Falls, Idaho, Facility ID 41238 ("Station"), hereby petitions the Commission for a waiver and refund of the Station's 2004 regulatory fee due to the presently tolled status of its construction permit. In support of its Petition, MCID submits that the "good cause" standard of Section 1.1166 of the Commission's Rules has been met, and, specifically, that "extraordinary and compelling circumstances" exist which "override the public interest in reimbursing the Commission for its regulatory costs." MCID declares the following in support of this submission.

1. The Station construction permit, which authorizes Channel 20 to serve the

¹See In Re Implementation of Section 9 of the Communications Act, 59 F.R. 30984 (June 16, 1994), 9 FCC Rcd 5333 ¶ 29 (1994) (hereinafter FY 1994 Report and Order); and In Re Implementation of Section 9 of the Communications Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Memorandum Opinion and Order, FCC 95-257, 10 FCC Rcd. 12759, ¶ 12 (1995) (hereinafter FY 1994 Memorandum Opinion and Order).

community of Idaho Falls, Idaho, was granted on July 22, 2003, following a protracted application and settlement process. The original construction permit for Channel 20 in Idaho Falls, Idaho, was filed on the 6th of March, 1995 (*See* BPCT-19950306KF) ("Application"). In August of 1999, nearly four years prior to the grant, MCID filed a settlement agreement with the Commission, which it had entered into with mutually exclusive applicant Flat Iron Ranches, Inc. ("Flat Iron"), asking the Commission to grant MCID's Application. On December 17, 1999, and in response to the filing of the settlement agreement, The Post Company ("Post"), licensee of station KIFI-TV, Idaho Falls, Idaho, filed a Supplement to its earlier May 15, 1995 Petition to Deny ("Supplement") MCID's Application. The Supplement raised several allegations about MCID's qualifications to be a licensee, all of which were denied upon the July 22, 2003 grant of the Station's construction permit.

2. In a letter dated July 22, 2003, from Barbara A. Kreisman, Chief, Video Division, Media Bureau, to J. Dominic Monahan, Esq., the Commission rejected all of Post's allegations, denied Post's May 15, 1995 Petition to Deny, and granted MCID's Application. Although the Commission ruled in favor of MCID with respect to every Post allegation, Post filed a Petition for Reconsideration of this decision on August 21, 2003. MCID filed its Opposition to the Petition for Reconsideration on September 4, 2003. Post filed its Reply on September 15, 2003. With Post's filing of the August 21, 2003 Petition for Reconsideration, the status of the Station was made uncertain and the construction period on the permit was tolled until a decision by the Commission is made.

3. Because MCID effectively became prohibited from building the Station upon the August 21, 2003 filing of the Petition for Reconsideration, and will remain so until a decision

thereon is reached, i.e., until the validity of the Station's construction permit is certain, MCID was not (for reasons beyond its control) in possession of a functional Commission license or permit on October 1, 2003. Under present circumstances, MCID is unable to generate any cash flow, let alone make projections of cash flow. Although MCID firmly believes the Commission will rule in its favor with respect to the pending Petition for Reconsideration, it cannot realistically begin buildout of the Station or business operations until it has received such a ruling.

4. For these reasons, MCID believes that good cause exists for waiver of the 2004 television construction permit fee of \$5,675 (Fee code 0464) with respect to the Station, and that indeed, "extraordinary and compelling circumstances" exist which "override the public interest in reimbursing the Commission for its regulatory costs."² Specifically, MCID asserts that the Commission's levy of a regulatory fee on the Station is not in the public interest, as no regulated interest has been vested in MCID.

5. MCID has timely remitted the full \$5,675 in regulatory fees due (*see* copy of electronic File Copy of Remittance Advice, FCC Form 159, attached hereto), and accompanies such payment with this Petition for Waiver of Regulatory Fee. MCID does so having made no income to date, as it has not been able to build or operate the Station.

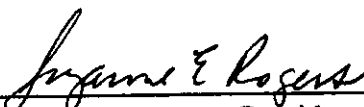
Pursuant to the facts set forth above and in accordance with the policy stated in the FY 1994 Report and Order and the FY 1994 Memorandum Opinion and Order, MCID requests a waiver and refund of its regulatory fees for fiscal year 2004. MCID requests that this refund be

²Id.

tendered at the earliest possible date.

Respectfully submitted,

Meridian Communications of Idaho, Inc.

By: 
Suzanne E. Rogers, President

Dated: August 18, 2004